

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAI‘I

JASON WOLFORD; ALISON  
WOLFORD; ATOM KASPRZYCKI;  
HAWAII FIREARMS COALITION,

Plaintiffs,

vs.

ANNE E. LOPEZ, in her official  
capacity as the Attorney General of the  
State of Hawai‘i; MAUI COUNTY,

Defendants.

Civil No. 1:23-cv-00265-LEK-WRP

**DECLARATION OF  
NICHOLAS M. MCLEAN**

Hon. Leslie E. Kobayashi

Hon. Wes Reber Porter

**DECLARATION OF NICHOLAS M. MCLEAN**

Pursuant to 28 U.S.C. § 1746, I declare as follows:

1. I am the First Deputy Solicitor General in the Department of the Attorney General, State of Hawai‘i, and I am one of the attorneys representing Anne E. Lopez, in her official capacity as Attorney General for the State of Hawai‘i, in this action.

2. I make this Declaration in Support of Defendant Anne E. Lopez’s Memorandum in Opposition to Plaintiffs’ Motion for Temporary Restraining Order (ECF No. 7) (“**TRO Opp.**”).

3. Attached as **Exhibit 1** is a true and correct copy of the full text of Act 52, as signed into law by Governor Josh Green on June 2, 2023, which is cited in the TRO Opp. at pp. 1, 25.

### **DECLARATIONS**

4. True and correct copies of the following declarations are attached as Exhibits to the TRO Opp.:

- a. Declaration of Professor Saul Cornell, including one exhibit attached thereto;
- b. Declaration of Dr. Brennan Gardner Rivas, including 25 exhibits attached thereto;
- c. Declaration of Professor Terence Young, including one exhibit attached thereto;
- d. Declaration of Director Patrick McCall; and
- e. Declaration of Director Laura H. Thielen.

### **HISTORICAL LAWS**

5. In the following paragraphs, I include the full citations for the historical laws cited in the TRO Opp. Each law cited is attached hereto as an Exhibit. Following the signature page of this declaration, for the Court's convenience, I have appended a chart which includes the relevant excerpted text from each of these laws, organized by subject matter.

6. Attached as **Exhibit 2** is 1746 N.J. Laws 301-12 (An Act for better settling and regulating the Militia of this Colony of New Jersey, for the repelling

Invasions, and suppressing Insurrections and Rebellions, ch. 84, § 26), which is cited in the TRO Opp. at p. 8.

7. Attached as **Exhibit 3** is An Act for Establishing a Militia in this Government (Delaware, 1756), *reprinted in* The Selective Serv. Sys., 2 Backgrounds of Selective Service, pt. 3, 10-15 (Arthur Vollmer, ed. 1947), which is cited in the TRO Opp. at p. 8.

8. Attached as **Exhibit 4** is An Act for regulating the Militia of the Province of Maryland (1756), *reprinted in* The Selective Serv. Sys., 2 Backgrounds of Selective Service, pt. 5, 83-108 (Arthur Vollmer, ed. 1947), which is cited in the TRO Opp. at p. 8.

9. Attached as **Exhibit 5** is An Act for the Regulation of the Militia of the Commonwealth of Pennsylvania (1780), ch. 902, § 45 (§ 57, P.L.); §48 (§ 60, P.L.), 12th rule, *reprinted in* The Selective Serv. Sys., 2 Backgrounds of Selective Service, pt. 11, 75-104 (Arthur Vollmer, ed. 1947), which is cited in the TRO Opp. at pp. 8-9.

10. Attached as **Exhibit 6** is 1852 Vt. Acts & Resolves 19-30 (Act No. 24, An Act to Prevent Traffic in Intoxicating Liquors for the Purpose of Drinking), § 15, which is cited in the TRO Opp. at p. 9.

11. Attached as **Exhibit 7** is 1853 R.I. Acts & Resolves 232-42 (An Act for the more effectual suppression of Drinking Houses and Tippling Shops), § 10, which is cited in the TRO Opp. at p. 9.

12. Attached as **Exhibit 8** is 1859 Conn. Pub. Acts 61-63 (An Act in Addition to and in Alteration of “An Act for forming and conducting the Military Force”) ch. 82, § 5, which is cited in the TRO Opp. at p. 9.

13. Attached as **Exhibit 9** is 1837 Mass. Acts 273-76 (An Act concerning the Militia), § 1, which is cited in the TRO Opp. at p. 9.

14. Attached as **Exhibit 10** is 1837 Me. Laws 421-27 (An Act additional to an Act to organize, govern and discipline the Militia of this State), ch. 276, § 5, which is cited in the TRO Opp. at p. 9.

15. Attached as **Exhibit 11** is 1840 R. I. Acts & Resolves 3-32 (An Act to regulate the Militia), § 14, which is cited in the TRO Opp. at p. 9.

16. Attached as **Exhibit 12** is Ordinance (Regulating the keeping and conveying [of] Gun Powder and Gun Cotton), ch. 16, § 6, *reprinted in* George Manierre, The Revised Charter and Ordinances of the City of Chicago 123-25 (Chicago, Daily Democrat Off. 1851), which is cited in the TRO Opp. at p. 9.

17. Attached as **Exhibit 13** is An Ordinance to Regulate the Sale of Gunpowder, ch. 21, § 4, *reprinted in* The Charter and Ordinances of the City of St.

Paul 167-68 (Saint Paul, Daily Pioneer Off. Print 1863), which is cited in the TRO Opp. at p. 9.

18. Attached as **Exhibit 14** is 1867 Kan. Sess. Laws 25 (An Act to prevent the carrying of Deadly Weapons), ch. 12, § 1, which is cited in the TRO Opp. at p. 9.

19. Attached as **Exhibit 15** is 1883 Mo. Laws 76 (An Act to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled "Of Crimes and Criminal Procedure), § 1, which is cited in the TRO Opp. at p. 9.

20. Attached as **Exhibit 16** is 1883 Wis. Sess. Laws 290 (An Act to prohibit the use and sale of pistols and revolvers), ch. 329, § 3, which is cited in the TRO Opp. at p. 9.

21. Attached as **Exhibit 17** is 1890 Okla. Sess. Laws. 495-96 (Concealed Weapons), ch. 25, art. 47, §§ 4, 7, which are cited in the TRO Opp. at pp. 9, 17.

22. Attached as **Exhibit 18** is 1878 Miss. Laws 178-79 (An Act to prevent the carrying of concealed weapons, and for other purposes), ch. 46, § 2, which is cited in the TRO Opp. at p. 9.

23. Attached as **Exhibit 19** is 1853 N.M. Laws 67-69 (An Act Prohibiting the carrying of a certain class of Arms, within the Settlements and in Balls), § 3, which is cited in the TRO Opp. at pp. 9, 17.

24. Attached as **Exhibit 20** is 1879 New Orleans, La., Gen. Ordinances (Concealed weapons or otherwise in balls or theatres), tit. I, ch. 1, art. 1, *reprinted in* Jewell's Digest of the City Ordinances Together with the Constitutional Provisions, Act of the General Assembly and Decisions of the Courts Relative to Government of the City of New Orleans 1-2 (Edwin L. Jewell, ed., New Orleans, L. Graham & Son 1882), which is cited in the TRO Opp. at p. 9.

25. Attached as **Exhibit 21** is 1858 N.Y.C., N.Y. *in* Minutes of Proceedings of the Board of Commissioners of the Central Park for the Year ending April 30, 1958, at 166-68 (New York, Wm. C. Bryant & Co. 1858), which is cited in the TRO Opp. at p. 15.

26. Attached as **Exhibit 22** is 1873 Brooklyn, N.Y., Park Ordinances (Ordinance No. 1), art. 1, § 4, *reprinted in* Annual Reports of the Brooklyn Park Commissioners 1861-1873, at 136 (1873), which is cited in the TRO Opp. at p. 15.

27. Attached as **Exhibit 23** is 1868 Pa. Laws 1083-90 (A Supplement to an act entitled "An Act appropriating ground for public purposes in the City of Philadelphia"), § 21, pt. II, which is cited in the TRO Opp. at p. 15.

28. Attached as **Exhibit 24** is 1872 S.F., Cal., Park Comm'rs' Ordinances No. 2 (An Ordinance to Provide for the Regulation and Government of the Avenue and Public Parks in the City and County of San Francisco, in Charge of the Park Commissioners), § 2, pt. 2, *reprinted in* Municipal Reports for the Fiscal Year

1874-75, at 886-89 (S.F., Spaulding & Barto 1875), which is cited in the TRO Opp. at p. 15.

29. Attached as **Exhibit 25** is 1873 Chi., Ill., Rev. Ordinances, ch. 31, § 6, *in* Laws and Ordinances Governing the City of Chicago 88-91 (Murray F. Tuley, ed., Chi., Bulletin Prtg. Co. 1873), which is cited in the TRO Opp. at p. 15.

30. Attached as **Exhibit 26** is 1875 S. Park, Ill., S. Park Ordinances (an act to provide for the location and maintenance of a park for the towns of Chicago, Hyde Park, and Lake), § 6, *in* Laws and Ordinances Governing the Village of Hyde Park Together with Its Charter and General Laws Affecting Municipal Corporations 309-12 (Consider H. Willett, ed., Chi., Hazlitt & Reed 1876), which is cited in the TRO Opp. at p. 15.

31. Attached as **Exhibit 27** is 1881 St. Louis, Mo., art. 10, § 3, *in* The Revised Ordinance of the City of St. Louis 635-36 (M.J. Sullivan, ed., St. Louis, Times Prtg. House 1881), which is cited in the TRO Opp. at p. 15.

32. Attached as **Exhibit 28** is 1886 Park Ordinances, § 3 *reprinted in* City of Boston, Dept. of Parks, Thirteenth Annual Report of Bd. of Comm'n'rs 86 (Boston 1888), which is cited in the TRO Opp at p. 15.

33. Attached as **Exhibit 29** is 1786 Va. Acts 35 (An Act forbidding and punishing Affrays), which is cited in the TRO Opp. at p. 17.

34. Attached as **Exhibit 30** is 1792 N.C., ch. 3, *reprinted in* A Collection of the Statutes of the Parliament of England in Force in the State of North Carolina 60-61 (Francis Xavier Martin, ed., New Bern, Editor's Press, 1792), which is cited in the TRO Opp. at p. 17.

35. Attached as **Exhibit 31** is the 1328 Statute of Northampton, 2 Edw. 3, c.3 (1328), *reprinted in* Statutes of the Realm, vol. 1, 257-61 (London, Dawsons of Pall Mall, 1965), which is cited in the TRO Opp. at p. 17.

36. Attached as **Exhibit 32** is 1817 New Orleans, La. (An Ordinance respecting public Balls), art. 1, *in* General Digest of the Ordinances and Resolutions of the Corporation of New Orleans 370-71 (New Orleans, Jerome Bayon 1831), which is cited in the TRO Opp. at p. 17.

37. Attached as **Exhibit 33** is 1869 Tenn. Pub. Acts 23-24 (An Act to Amend the Criminal laws of the State), ch. 22, § 2, which is cited in the TRO Opp. at p. 17.

38. Attached as **Exhibit 34** is 1870 Ga. Laws 421 (An act to preserve the peace and harmony of the State and for other purposes), tit. XVI, no. 285, § 1, which is cited in the TRO Opp. at p. 17.

39. Attached as **Exhibit 35** is 1870 Tex. Gen. Laws 63 (An Act Regulating the Right to Keep and Bear Arms), ch. 46, § 1, which is cited in the TRO Opp. at p. 17.



40. Attached as **Exhibit 36** is 1875 Mo. Laws 50-51 (An Act to prevent the carrying of weapons in public assemblies of the people, and to repeal “An act to prevent the carrying [of] concealed weapons,” approved March 26, 1874), § 1, which is cited in the TRO Opp. at p. 17.

41. Attached as **Exhibit 37** is 1889 Ariz. Sess. Laws 16-18 (An Act Defining and Punishing Certain Offenses Against the Public Peace), no. 13, § 3, which is cited in the TRO Opp. at p. 17.

42. Attached as **Exhibit 38** is 1715 Md. Laws 88-91 (An Act for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons), ch. 26, § VII, which is cited in the TRO Opp. at pp. 20-21.

43. Attached as **Exhibit 39** is 1721 Pa. Laws, ch. 248, § III, 3 (An Act to prevent the killing of deer out of season, and against carrying of guns or hunting by persons not qualified), *reprinted in* 3 James T. Mitchell & Henry Flanders, The Statutes at Large of Pennsylvania from 1682 to 1801 254-57 (Pa., Clarence M. Busch, 1896), which is cited in the TRO Opp. at pp. 20-21.

44. Attached as **Exhibit 40** is 1722 N.J. Laws 141-42 (An Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not qualified), which is cited in the TRO Opp. at pp. 20-21.

45. Attached as **Exhibit 41** is 1763 N.Y. Laws, ch. 1233, § 1 (An Act to prevent hunting with Fire-arms in the City of New York, and the Liberties Thereof), *reprinted in* 1 Laws of New-York from the Year 1691 to 1773 Inclusive 441-42 (N.Y., Hugh Gaine 1774), which is cited in the TRO Opp. at pp. 20-21.

46. Attached as **Exhibit 42** is 1771 N.J. Laws 343-347 (An Act for the Preservation of Deer and other Game, and to prevent trespassing with Guns), ch. 540, § 1, which is cited in the TRO Opp. at pp. 20-21.

47. Attached as **Exhibit 43** is 1865 La. Acts 14-16 (An Act To prohibit the carrying of fire-arms on premises or plantations of any citizen, without the consent of the owner), no. 10, § 1, which is cited in the TRO Opp. at pp. 20-21.

48. Attached as **Exhibit 44** is 1866 Tex. Gen. Laws 90 (An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizens without the consent of the owner), ch. 91, § 1, which is cited in the TRO Opp. at pp. 20-21.

49. Attached as **Exhibit 45** is 1893 Or. Laws 79 (An Act To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway), § 1, which is cited in the TRO Opp. at pp. 20-21.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: Honolulu, Hawai‘i, July 14, 2023.

/s/ Nicholas M. McLean  
NICHOLAS M. MCLEAN

## RELEVANT EXCERPTS FROM HISTORICAL LAWS EXHIBITS

| Ex. No.  | TRO Opp. Page | Citation  | Key Language   | Pincite <sup>1</sup> |
|--|---------------|---|--|----------------------|
| <b>II.A.1.a Bars and restaurants serving alcohol</b> |               |   |  |                      |
| <b>Ex. 2</b>   | 8             | 1746 N.J. Laws 301-12 (An Act for better settling and regulating the Militia of this Colony of New Jersey, for the repelling Invasions, and suppressing Insurrections and Rebellions, ch. 84, § 26) | “[N]o Innholder, or any other Person . . . shall presume to sell any strong Liquor, to any of the Persons so listed, in such Days or Times that they are obliged to appear in Arms, at the Place of Mustering or Training, or within a Mile thereof, until after they are dismissed for that Day . . . .”  | 1746 N.J. 311        |
| <b>Ex. 3</b>   | 8-9           | An Act for Establishing a Militia in this Government (Delaware, 1756), <i>reprinted in</i> The Selective Serv. Sys., 2 Backgrounds of Selective Service, pt. 3, 10-15 (Arthur Vollmer, ed. 1947)    | “[N]o Captain or other Officer shall Appoint any place of Meeting for his Company . . . within the Distance of half a mile of any Inn or Tavern under the Penalty of Forty Shillings for every such Offence and . . . no person or persons shall presume to keep a Booth or tent or expose to sale at or Bring on any Pretence whatsoever any strong Liquor to such place of Meeting under the Penalty or Forty shillings for every such offence.” | 1756 Del. 13         |
| <b>Ex. 4</b>   | 9             | An Act for regulating the Militia of the Province of Maryland (1756) <i>reprinted in</i> The Selective Serv. Sys., 2 Backgrounds of Selective   | “[A]ny Person of the Militia who shall get drunk on any Muster-day before or at Muster shall forfeit the Sum of Ten Shillings . . . and any Person who shall presume to vend Sell or Dispose of any Strong Liquor at any Place of training or at any other Place within Five Miles of any Place of training to any Person belonging to the   | 1756 Md. 93          |

<sup>1</sup> The pincite contains the year of the law excerpted, the state in which it was enacted, and the page of the source document on which the excerpted language may be found.

|              |   |   |  |                  |
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|              |   | Service, pt. 5, 83-108 (Arthur Vollmer, ed. 1947)   | Militia on any Muster day except between the Time of Discharge from such Training for that day and the Sun sitting thereof Such Person so vending selling or disposing of Such Strong Liquors Shall forfeit and pay the Sum of Five Pounds . . . .”  |                  |
| <b>Ex. 5</b> | 9 | An Act for the Regulation of the Militia of the Commonwealth of Pennsylvania (1780), ch. 902, § 45 (§ 57, P.L.); §48 (§ 60, P.L.), 12th rule, <i>reprinted in</i> The Selective Serv. Sys., 2 Backgrounds of Selective Service, pt. 11, 75-104 (Arthur Vollmer, ed. 1947) | § 47 (§ 57, P.L.): “[I]f any non-commissioned officer or private shall, on any occasion of parading the company to which he belongs, appear with his arms and accoutrements in an unfit condition, or be found drunk . . . he shall be disarmed and . . . fined in any sum not exceeding the price of ten days’ labor, nor less than one days’ labor.”; § 48 (§ 60, P.L.): “12th. No company or battalion shall meet at a tavern on any of the days of exercise, nor shall march to any tavern before they are discharged ; and any person who shall bring any kind of spiritous liquor to such place of training shall forfeit such liquors so brought . . . .”   | 1780 Pa. 97, 100 |
| <b>Ex. 6</b> | 9 | 1852 Vt. Acts & Resolves 19-30 (Act No. 24, An Act to Prevent Traffic in Intoxicating Liquors for the Purpose of Drinking), § 15  | “It shall be the duty of any sheriff . . . if he shall have information that any intoxicating liquor is kept or sold in any tent, shanty, hut or place of any kind for selling refreshments in any public place, except dwelling houses, on or near the ground of any cattle show, agricultural exhibition, military muster or public occasion of any kind, to search such suspected place without warrant, and if such officer shall find upon the premises any intoxicating liquor, he shall seize and apprehend the keeper or keepers of such place, and take them, with the liquor so found and seized, forthwith, or as soon as conveniently may be, before some justice of the peace of the town in which the same was found . . . and upon proof that such liquor is intoxicating, that the same was found in the possession of the accused, in a tent, shanty, or other place as aforesaid, he or they shall be sentenced to imprisonment . . . for thirty days . . . .” | 1852 Vt. 25      |
| <b>Ex. 7</b> | 9 | 1853 R.I. Acts & Resolves 232-42 (An Act for the more   | “It shall be the duty of any . . . police officer, of any city or town, if he shall have information that any ale, wine, rum, or other strong  | 1853 R. I. 238   |

|              |   |  |  |               |
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|              |   | effectual suppression of Drinking Houses and Tippling Shops), § 10   | or malt liquors, or any mixed liquors as aforesaid, are kept for sale or sold in any tent, shanty, hut or place of any kind for selling refreshments in any public place, on or near the ground of any cattle show, agricultural exhibition, military muster or public occasion of any kind, to search such suspected place, and if such officer shall find upon the premises any ale, wine, rum, or other strong or malt liquors, or any mixed liquors as aforesaid, he shall seize them and apprehend the keeper or keepers of such place, and take them with the liquors and the vessels containing them, so found and seized, forthwith or as soon as may be convenient, before some justice of the peace, or court . . . and upon proof that said liquors are either ale, wine, rum, or other strong or malt liquors, or mixed liquors as aforesaid, that they were found in the possession of the accused, in a tent, shanty or other place as aforesaid, for sale, he or they shall be sentenced to imprisonment in the county jail of the same county for twenty days . . . .” |               |
| <b>Ex. 8</b> | 9 | 1859 Conn. Pub. Acts 61-63 (An Act in Addition to and in Alteration of “An Act for forming and conducting the Military Force”) ch. 82, § 5 | If any booth shed, tent, or other temporary erection, within one mile of any military parade-ground, muster-field or encampment, shall be used and occupied for the sale of spirituous or intoxicating liquor, or for the purpose of gambling, the officer commanding said parade-ground, muster-field or encampment, the sheriff or deputy-sheriff of the county, or any justice of the peace, selectman, or constable of the town in which such booth, shed, tent, or other temporary erection is situated, upon having notice or knowledge that the same is so used or occupied, shall notify the owner or occupant thereof to vacate and close the same immediately; and if said owner or occupant shall refuse or neglect so to do said commanding officer . . . may forthwith abate such booth . . . as a nuisance, and may pull down or otherwise destroy the same, with the assistance of any force, civil or military.”   | 1859 Conn. 62 |

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| <b>Ex. 9</b>  | 9 | 1837 Mass. Acts 273-76 (An Act concerning the Militia), § 1   | “Every able-bodied white male resident within this Commonwealth, who is, or shall be, of the age of eighteen, and under the age of forty-five years, excepting idiots, lunatics, common drunkards, vagabonds, paupers and persons convicted of any infamous crimes, shall be enrolled in the militia. . . .” | 1837 Mass. 273           |
| <b>Ex. 10</b> | 9 | 1837 Me. Laws 421-27 (An Act additional to an Act to organize, govern and discipline the Militia of this State), ch. 276, § 5   | “That no idiot, lunatic, common drunkard, vagabond, pauper, nor any person convicted of any infamous crime, nor any other than white, able-bodied, male citizens, shall be eligible to any office in the Militia.”   | 1837 Me. 424             |
| <b>Ex. 11</b> | 9 | 1840 R. I. Acts & Resolves 3-32 (An Act to regulate the Militia), § 14  | “No idiot, lunatic, common drunkard, vagabond, pauper, nor person convicted of any infamous crime, nor any other than able bodied white male citizens, shall be eligible to any military office . . . .”   | 1840 R.I. 9              |
| <b>Ex. 12</b> | 9 | Ordinance (Regulating the keeping and conveying [of] Gun Powder and Gun Cotton), ch. 16, § 6, <i>reprinted in</i> George Manierre, The Revised Charter and Ordinances of the City of Chicago 123-25 (Chicago, Daily Democrat Off. 1851) | “[N]o permit [to keep or sell gunpowder] shall be granted to any retailer of intoxicating liquors or to any intemperate person.”   | 1851 Chi., Ill. 124      |
| <b>Ex. 13</b> | 9 | An Ordinance to Regulate the Sale of Gunpowder, ch. 21, § 4, <i>reprinted in</i> The Charter and Ordinances of the City of St. Paul 167-68 (Saint Paul, Daily Pioneer Off. Print 1863)  | “[N]o permit [to keep or sell gunpowder] shall be granted to any retailer of intoxicating liquors or to any intemperate person.”   | 1858 St. Paul, Minn. 167 |
| <b>Ex. 14</b> | 9 | 1867 Kan. Sess. Laws 25 (An Act to prevent the carrying of Deadly Weapons), ch. 12, § 1   | “Any person who is not engaged in any legitimate business, any person under the influence of intoxicating drink, and any person who has ever borne arms against the Government of the United States, who shall be found within the limits of this State, carrying  | 1867 Kan. 25             |

|               |      |  |  |                     |
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|               |      |  | on his person a pistol, bowie-knife, dirk or other deadly weapon, shall be subject to arrest upon charge of misdemeanor . . . .”   |                     |
| <b>Ex. 15</b> | 9    | 1883 Mo. Laws 76 (An Act to amend section 1274, article 2, chapter 24 of the Revised Statutes of Missouri, entitled “Of Crimes and Criminal Procedure”), § 1 | “If any person shall carry concealed, upon or about his person, any deadly or dangerous weapon, or . . . shall have or carry any such weapon upon or about his person when intoxicated or under the influence of intoxicating drinks, . . . he shall, upon conviction, be punished by a fine of not less than twenty-five nor more than two hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.”     | 1883 Mo. 76         |
| <b>Ex. 16</b> | 9    | 1883 Wis. Sess. Laws 290 (An Act to prohibit the use and sale of pistols and revolvers), ch. 329, § 3  | “It shall be unlawful for any person in a state of intoxication, to go armed with any pistol or revolver.”   | 1883 Wis. 290       |
| <b>Ex. 17</b> | 9-10 | 1890 Okla. Sess. Laws. 495-96 (Concealed Weapons), ch. 25, art. 47, § 4; § 7   | § 4: “[I]f any public officer be found carrying . . . arms while under the influence of intoxicating drinks, he shall be deemed guilty of a violation of this article as though he were a private person.”; § 7: “It shall be unlawful for any person, except a peace officer, to carry into . . . any place where intoxicating liquors are sold . . . any of the weapons designated in sections one and two [including “pistol[s]” and “revolver[s]”] of this article.” | 1890 Okla. 495, 496 |
| <b>Ex. 18</b> | 9    | 1878 Miss. Laws 175-76 (An Act to prevent the carrying of concealed weapons, and for other purposes), ch. 46, § 2  | “[I]t shall not be lawful for any person to sell to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any weapon of the kind or description in the first section of this Act described, or any pistol cartridge, and on conviction shall be punished by a fine not exceeding two hundred dollars . . . .”  | 1878 Miss. 175      |
| <b>Ex. 19</b> | 9    | 1853 N.M. Laws 67-69 (An Act Prohibiting the carrying of a certain class of Arms, within the Settlements and in Balls), § 3                                  | “Sheriff . . . will not permit any person to enter said Ball or room adjoining said ball where Liquors are sold, or to remain in said balls or Fandangos with fire arms or other deadly weapons, whether they be shown or concealed upon their persons . . . .”  | 1853 N.M. Laws 69   |



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| <b>Ex. 20</b>                            | 9-10 | 1879 New Orleans, La., Gen. Ordinances (Concealed weapons or otherwise in balls or theatres), tit. I, ch. 1, art. 1, <i>reprinted in</i> Jewell's Digest of the City Ordinances Together with the Constitutional Provisions, Act of the General Assembly and Decisions of the Courts Relative to Government of the City of New Orleans 1-2 (Edwin L. Jewell, ed., New Orleans, L. Graham & Son 1882) | "[I]t shall not be lawful for any person to carry a dangerous weapon, concealed or otherwise, into any theatre, public hall, tavern, picnic ground, place for shows or exhibitions, house or other place of public entertainment or amusement." | 1879 New Orleans, La. 1 |
| <b>II.A.1.b Public parks and beaches</b> |      |  |   |                         |
| <b>Ex. 21</b>                            | 15   | 1858 N.Y.C., N.Y. <i>in</i> Minutes of Proceedings of the Board of Commissioners of the Central Park for the Year ending April 30, 1958, at 166-68 (New York, Wm. C. Bryant & Co. 1858)  | "All persons are forbidden . . . [t]o carry fire-arms . . . within [Central Park]."   | 1858 N.Y.C., N.Y. 166   |
| <b>Ex. 22</b>                            | 15   | 1873 Brooklyn, N.Y., Park Ordinances (Ordinance No. 1), art. 1, § 4, <i>reprinted in</i> Annual Reports of the Brooklyn Park Commissioners 1861-1873, at 136 (1873)  | "All persons are forbidden . . . [t]o carry firearms . . . within [Prospect Park]."   | 1858 Brooklyn, NY 136   |
| <b>Ex. 23</b>                            | 15   | 1868 Pa. Laws 1083-90 (A Supplement to an act entitled "An Act appropriating ground  | "No person shall carry fire arms . . . in [Fairmount Park, Philadelphia] or within fifty yards thereof . . . ."   | 1868 Pa. 1088           |

|               |    |  |   |                        |
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|               |    | for public purposes in the City of Philadelphia”), § 21, pt. II  |   |                        |
| <b>Ex. 24</b> | 15 | 1872 S.F., Cal., Park Comm’rs’ Ordinances No. 2 (An Ordinance to Provide for the Regulation and Government of the Avenue and Public Parks in the City and County of San Francisco, in Charge of the Park Commissioners), § 2, pt. 2, <i>reprinted in</i> Municipal Reports for the Fiscal Year 1874-75, at 886-89 (S.F., Spaulding & Barto 1875) | “Within [Golden Gate and Buena Vista Parks] all persons are hereby forbidden: . . . To carry . . . firearms.” | 1872 S.F., Cal. 887    |
| <b>Ex. 25</b> | 15 | 1873 Chi., Ill., Rev. Ordinances, ch. 31, § 6, <i>in</i> Laws and Ordinances Governing the City of Chicago 88-91 (Murray F. Tuley, ed., Chi., Bulletin Prtg. Co. 1873)   | “All persons are forbidden to carry firearms . . . within any one of the public parks.”                       | 1873 Chi., Ill. 88     |
| <b>Ex. 26</b> | 15 | 1875 S. Park, Ill., S. Park Ordinances (an act to provide for the location and maintenance of a park for the towns of Chicago, Hyde Park, and Lake), § 6, <i>in</i> Laws and Ordinances Governing the Village of Hyde Park Together with Its Charter and General Laws Affecting Municipal Corporations 309-12                                    | “All persons are forbidden to carry fire arms . . . within [South Park].”                                     | 1875 S. Park, Ill. 310 |

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|  |    | (Consider H. Willett, ed., Chi., Hazlitt & Reed 1876)  |  |                         |
| <b>Ex. 27</b>                                    | 15 | 1881 St. Louis, Mo., art. 10, § 3, <i>in</i> The Revised Ordinance of the City of St. Louis 635-36 (M.J. Sullivan, ed., St. Louis, Times Prtg. House 1881)   | “No person shall . . . use or have in his possession ready for use in any street, alley, walk or park of the city of St. Louis, any sling, cross bow and arrow, air gun or other contrivance for ejecting, discharging or throwing any fragment, bolt, arrow, pellet, or other missile[.]” | 1881 St. Louis, Mo. 635 |
| <b>Ex. 28</b>                                    | 15 | 1886 Park Ordinances, § 3 <i>reprinted in</i> City of Boston, Dept. of Parks, Thirteenth Annual Report of Bd. of Comm’n’rs 86 (Boston 1888)  | “[W]ithin the Public Parks . . . it is forbidden . . . to discharge or carry fire-arms. . . .”   | 1886 Boston, Mass. 86   |
| <b>II.A.1.c Banks and financial institutions</b> |    |  |  |                         |
| <b>Ex. 29</b>                                    | 17 | 1786 Va. Acts 35 (An Act forbidding and punishing Affrays)   | “[N]o man . . . [shall] go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the county, upon pain of being arrested and committed to prison by any Justice . . . .”   | 1786 Va. 35             |
| <b>Ex. 30</b>                                    | 17 | 1792 N.C., ch. 3, <i>reprinted in</i> A Collection of the Statutes of the Parliament of England in Force in the State of North Carolina 60-61 (Francis Xavier Martin, ed., New Bern, Editor's Press, 1792) | “[N]o man . . . [shall] go nor ride armed by night nor by day, in fairs, markets . . . .”  | 1792 N.C. 60            |
| <b>Ex. 31</b>                                    | 17 | 1328 Statute of Northampton, 2 Edw. 3, c.3 (1328), <i>reprinted in</i> Statutes of the Realm, vol. 1, 257-61 (London, Dawsons of Pall Mall, 1965)  | “[N]o man . . . [shall] go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the justices or other ministers, nor in no part elsewhere, upon pain to forfeit their armour to the King, and their bodies to prison at the King’s pleasure.”                     | 1328 Northampton 258    |

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| <b>Ex. 32</b> | 18 | 1817 New Orleans, La. (An Ordinance respecting public Balls), art. 1, <i>in</i> General Digest of the Ordinances and Resolutions of the Corporation of New Orleans 370-71 (New Orleans, Jerome Bayon 1831) | “It shall not be lawful for any person to enter into a public ballroom with any . . . Weapon . . . .”   | 1817 New Orleans, LA 371 |
| <b>Ex. 19</b> | 18 | 1853 N.M. Laws 67-69 (An Act Prohibiting the carrying of a certain class of Arms, within the Settlements and in Balls), § 3  | “Sheriff . . . will not permit any person to enter said Ball or room adjoining said ball where Liquors are sold, or to remain in said balls or Fandangos with fire arms or other deadly weapons, whether they be shown or concealed upon their persons . . . .”   | 1853 N.M. Laws 69        |
| <b>Ex. 33</b> | 18 | 1869 Tenn. Pub. Acts 23-24 (An Act to Amend the Criminal laws of the State), ch. 22, § 2   | “[I]t shall not be lawful for any qualified voter or other person attending any election in this State, or for any person attending any fair, race course, or other public assembly of the people, to carry . . . any pistol, dirk, bowie-knife, Arkansas tooth-pick, or weapon in form, shape or size, resembling a bowie-knife, or Arkansas tooth-pick, or other deadly or dangerous weapon.”   | 1869 Tenn. 23-24         |
| <b>Ex. 34</b> | 18 | 1870 Ga. Laws 421 (An act to preserve the peace and harmony of the State and for other purposes), tit. XVI, no. 285, § 1   | “[N]o person . . . [is] permitted or allowed to carry about his or her person any dirk, bowie-knife, pistol or revolver, or any kind of deadly weapon, to any court of justice, or any election ground or precinct, or any place of public worship, or any other public gathering in this State, except militia muster-grounds.”  | 1870 Ga. 421             |
| <b>Ex. 35</b> | 18 | 1870 Tex. Gen. Laws 63 (An Act Regulating the Right to Keep and Bear Arms), ch. 46, § 1  | “[I]f any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, . . . or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dirk or butcher knife, or fire-arms, whether know as a six- | 1870 Tex. 63             |

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|  |    |  | shooter, gun or pistol of any kind, such person so offending shall be deemed guilty of a misdemeanor . . . .”  |               |
| <b>Ex. 36</b>                                | 18 | 1875 Mo. Laws 50-51 (An Act to prevent the carrying of weapons n public assemblies of the people, and to repeal ‘An act to prevent the carrying [of] concealed weapons,’ approved March 26, 1874), § 1         | “Whosoever shall . . . go into any church or place where people have assembled for religious worship, or into any school room, or into any place where people be assembled for educational, literary or social purposes, or to any election precinct on any election day, or into any court room during the sitting of court, or into any other public assemblage of persons met for other than militia drill, or meetings called under the militia law of this state having upon or about his person any kind of fire arms, bowie knife, dirk, dagger, slung shot, or other deadly weapon, shall be deemed guilty of a misdemeanor . . . .” |               |
| <b>Ex. 37</b>                                | 18 | 1889 Ariz. Sess. Laws 16-18 (An Act Defining and Punishing Certain Offenses Against the Public Peace), no. 13, § 3   | “If any person shall go into any . . . place where persons are assembled for amusement . . . , or into any circus, show or public exhibition of any kind, or into a ball room, social party or social gathering . . . or to any other public assembly, and shall have or carry about his person a pistol or other firearm . . . he shall be punished by a fine of not less than fifty nor more than five hundred dollars . . . .”  | 1889 Ariz. 17 |
| <b>II.A.2. Private property default rule</b> |    |  |  |               |
| <b>Ex. 38</b>                                | 21 | 1715 Md. Laws 88-91 (An Act for the speedy trial of criminals, and ascertaining their punishment in the county courts when prosecuted there, and for payment of fees due from criminal persons), ch. 26, § VII | “That if any person or persons whatsoever, that have been convicted of any of the crimes aforesaid, or other crimes, or that shall be of evil fame, or a vagrant, or dissolute liver, that shall shoot, kill or hunt, or be seen to carry a gun, upon any person’s land, . . . without the owner’s leave, having been once before warned, shall forfeit and pay one thousand pounds of tobacco . . . .”  | 1715 Md. 90   |
| <b>Ex. 39</b>                                | 21 | 1721 Pa. Laws, ch. 248, § III, 3 (An Act to prevent the killing of   | “[I]f any person or persons shall presume . . . to carry any gun or hunt on the improved or inclosed lands of any plantation other   | 1721 Pa. 255  |

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|               |    | deer out of season, and against carrying of guns or hunting by persons not qualified), <i>reprinted in</i> 3 James T. Mitchell & Henry Flanders, <i>The Statutes at Large of Pennsylvania from 1682 to 1801</i> 254-57 (Pa., Clarence M. Busch, 1896) | than his own, unless he have license or permission from the owner of such lands or plantation . . . he shall for every such offense forfeit the sum of ten shillings.”  |               |
| <b>Ex. 40</b> | 21 | 1722 N.J. Laws 141-42 (An Act to prevent the Killing of Deer out of Season, and against Carrying of Guns and Hunting by Persons not qualified)  | “[I]f any Person or Persons shall presume . . . to carry any Gun, or Hunt on the Improved or Inclosed Lands in any Plantation, and on other than his own, unless he have License or Permission from the owner of such Lands or Plantation, and shall be thereof Convicted . . . [he] shall, for every such Offence forfeit the Sum of Fifteen Shillings . . . .”  | 1722 N.J. 141 |
| <b>Ex. 41</b> | 21 | 1763 N.Y. Laws, ch. 1233, § 1 (An Act to prevent hunting with Fire-arms in the City of New York, and the Liberties Thereof), <i>reprinted in</i> 1 Laws of New-York from the Year 1691 to 1773 Inclusive 441-42 (N.Y., Hugh Gaine 1774)               | “[I]f any Person or Persons whatsoever, other than the Owner, Proprietor, or Possessor, or his or her white Servant or Servants, do and shall . . . carry, shoot, or discharge any Musket, Fowling-Piece, or other Fire-Arm whatsoever, into, upon, or through any Orchard, Garden, Corn-Field, or other inclosed Land whatever, within the City of New-York, or the Liberties thereof, without License in Writing first had and obtained for that Purpose from such Owner, Proprietor, or Possessor . . . .” | 1763 N.Y. 442 |
| <b>Ex. 42</b> | 21 | 1771 N.J. Laws 343-347 (An Act for the Preservation of Deer and other Game, and to prevent trespassing with Guns), ch. 540, § 1   | “[I]f any Person or Persons shall presume, at any Time after the Publication hereof, to carry any Gun on any Lands not his own, and for which the Owner pays Taxes, or is in his lawful Possession, unless he hath License or Permission in Writing from the Owner or Owners or legal Possessor . . . .”  | 1771 N.J. 344 |
| <b>Ex. 43</b> | 21 | 1865 La. Acts 14-16 (An Act To prohibit the carrying of fire-arms on premises or plantations of any   | “[I]t shall not be lawful for any person or persons to carry fire-arms on the premises or plantations of any citizen, without the consent of the owner or proprietor, other than in lawful discharge of a civil or military order . . . .”  | 1865 La. 14   |

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|               |    | citizen, without the consent of the owner), no. 10, § 1   |   |              |
| <b>Ex. 44</b> | 21 | 1866 Tex. Gen. Laws 90 (An Act to prohibit the carrying of Fire-Arms on premises or plantations of any citizens without the consent of the owner), ch. 91, § 1  | “[I]t shall not be lawful for any person or persons to carry firearms on the enclosed premises or plantation of any citizen, without the consent of the owner or proprietor . . . .”  | 1866 Tex. 90 |
| <b>Ex. 45</b> | 21 | 1893 Or. Laws 79 (An Act To Prevent a Person from Trespassing upon any Enclosed Premises or Lands not His Own Being Armed with a Gun, Pistol, or other Firearm, and to Prevent Shooting upon or from the Public Highway), § 1 | “It shall be unlawful for any person, other than an officer on lawful business, being armed with a gun, pistol, or other firearm, to go or trespass upon any enclosed premises or lands without the consent of the owner or possessor thereof.” | 1893 Or. 79  |